

COMMISSION HEARING OFFICER DIRECTIVE

ADMINISTRATIVE
MATTERS

☐

DATE January 29, 2009

MOTOR CARRIER
MATTERS

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DOCKET
NO. 2002-66-C

UTILITIES MATTERS

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ORDER NO. -

HEARING OFFICER: **Jocelyn G. Boyd**

DOCKET DESCRIPTION:

Petition of HTC Communications, Inc. for Arbitration of an Interconnection Agreement with Verizon South, Inc.

ADMINISTRATIVE MATTERS UNDER CONSIDERATION:

Arbitration Procedural Schedule for Docket No. 2002-66-C

HEARING OFFICER ACTION:

This docket was initiated with the filing of a Petition for Arbitration by HTC Communications, Inc. (HTC) on March 1, 2002. HTC and Verizon South, Inc. (Verizon) have requested that the Public Service Commission of South Carolina (Commission) resolve disputed issues that have arisen in the course of negotiation of an interconnection agreement between the parties. The Commission held an arbitration proceeding on May 6, 2002, and issued its Order on Arbitration, Order No. 2002-450, on June 12, 2002. The Commission subsequently issued Order No. 2002-482 (Order on Motions for Reconsideration and Clarification) and Order No. 2003-219 (Order Clarifying Order No. 2002-450). In Order No. 2002-450, the parties were directed to implement the Commission's resolution of the issues addressed in the Order by modifying the language of the interconnection agreement and filing an interconnection agreement with the Commission within sixty (60) days. That time frame was later extended by the

Commission until September 23, 2002. See Order No. 2002-662.

Because of circumstances that were not foreseen at the time, including changes in law as a result of the Federal Communications Commission's (FCC's) Triennial Review Order¹ and Triennial Review Remand Order,² the parties did not reach agreement on terms and conditions, and have not yet filed a final interconnection agreement with the Commission. However, the parties have continued to meet, discuss, and negotiate terms and conditions for a final agreement. The parties have finalized most of the terms and conditions for an interconnection agreement, and have requested the Commission's assistance in resolving the remaining issues.

At a status conference held in conjunction with the prehearing conference in Commission Docket No. 2002-338-C on October 24, 2008, the parties requested that they be permitted to submit a proposed schedule for resolution of both dockets. The parties subsequently provided a proposed schedule. We find the proposed schedule to be reasonable, and direct the following.

The Arbitration Hearing in this Docket shall begin at 10:30 a.m. on May 27, 2009 [date = date of this directive + 118 days].

The parties will agree upon the list of issues to be presented to the Commission on or before February 27, 2009 [date = date of this directive + 29 days].

The parties are directed to jointly submit to the Commission the list of issues,

¹ *In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, and Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Docket Nos. 01-338, 96-98, and 98-147, Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, FCC 03-36 (released August 21, 2003) ("*Triennial Review Order*").

² *In the Matter of Unbundled Access to Network Elements and Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, WC Docket No. 04-313 and CC Docket No. 01-338, Order on Remand, FCC 04-290 (released February 4, 2005) ("*Triennial Review Remand Order*").

along with each party's stated position on the issues, on or before March 13, 2009 [date = date of this directive + 43 days].

The Parties shall prefile direct testimony and exhibits on or before April 29, 2009 [date = date of this directive + 90 days]. The parties shall prefile any rebuttal testimony and exhibits on or before May 13, 2009 [date = date of this directive + 104 days].

The parties shall serve the other parties with copies of all prefiled testimony and exhibits. Service on the parties and the Commission of rebuttal testimony and exhibits shall be made by the close of business on the date herein specified. If service cannot be accomplished on the date specified herein, service may be accomplished by facsimile transmission or e-mail transmission of the prefiled testimony and exhibits by the close of business on the date specified, with hard copies to follow by mail.

All parties are reminded that all witnesses must be present during the hearing in this matter at the call of the Chairman, or the Commission may decline to allow the witnesses' testimony to be read into the record of the proceeding and/or may decline to allow the witnesses' exhibits to be entered into the evidence of the case.

Unless otherwise directed by the Chairman, opening statements of the parties and any participants will be allowed at the beginning of the hearing. Additionally, closing statements of the parties will be allowed at the conclusion of the hearing, unless otherwise directed by the Chairman.

Direct testimony and exhibits, as well as rebuttal testimony and exhibits, of the parties' witnesses shall be presented to the Arbitrator in a panel format, with all witnesses being sworn in concurrently. Examination of witnesses will proceed issue by issue, with all witnesses on an issue being examined by both parties before proceeding to the next

issue. Examination of the witnesses shall be conducted by attorneys for the parties. The examination may be directed to specific witnesses or to the entire panel of witnesses. Responses by other witnesses, other than the witnesses to whom the question is directed, may be allowed at the discretion of the Chairman.

Requests for modification of this schedule may be directed to the Hearing Officer assigned to this case.